

Notice of Allowability

Application No.

10/038,208

Examiner

Quang D. Thanh

Applicant(s)

WARWICK ET AL.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an interview on 09/13/2004.
2. ☒ The allowed claim(s) is/are 1-40.
3. ☒ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Phillip Goldman on 09/10/2004.

The application has been amended as follows:

In claim 3, p. 2, line 5, "and/or" has been replaced with – or --.

In claim 10, p. 4, the last sentence "wherein the wave form comprises fast rise, sine wave when applied at a frequency of 6Hz" has been deleted.

In claim 12, p. 4:

Line 2, "and/or" has been replaced with – or –

Line 6, "air stream supplying pressure pulses" has been replaced with – stream –

Lines 6-7, "wherein the pulses having a substantially sinusoidal wave form " has been replaced with – in order to provide pressure pulses having a substantially sinusoidal wave form that comprises a fast rise, sine wave when applied at a frequency of 6 Hz --.

Lines 8-9, "wherein the wave form that comprises a fast rise, sine wave when applied at a frequency of 6 Hz" has been deleted.

In claim 13, p. 5, "and/or" has been replaced with – or --.

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In claim 14, p. 5:

Line 2, "comprising" has been replaced with – wherein –

Line 3, "an air flow " has been replaced with – the air flow –

Line 5, "mechanism comprising a blade further comprises a" has been deleted

Line 6, -- is – has been inserted between "component" and "in"

Line 9, "a patient vest" has been replaced with – the patient vest –

In claim 15, p. 5:

Line 1, "further comprising a" has been replaced with – wherein the –

Line 2, -- is – has been inserted between "component" and "in"

In claim 16, p. 5, line 1, "modules have" has been replaced with – is provided in the form of a plurality of portable modules having --.

In claim 19, p. 6, line 1, "modules have" has been replaced with – is provided in the form of a plurality of portable modules having --.

In claim 21, p. 6:

Line 2, "and/or" has been replaced with – or –

Line 2, -- , or both – has been added after the word "waves"

In claim 23, p. 6, line 1, "the control" has been replaced with – the pulse frequency control –

In claim 24, p. 6, line 4, "and/or" has been replaced with – or --.

In claim 30, p. 7, line 1, "claim 12" has been replaced with – claim 24 --.

In claim 32, p. 8, line 4, "and/or" has been replaced with – or --.

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2. The following is an examiner's statement of reasons for allowance: the primary reasons for allowance of claims is the inclusion of "a mechanism comprising a motor-driven rotating blade adapted to periodically interrupt the stream of pressurized air to the bladder in order to provide pressure pulses having a substantially sinusoidal wave form that comprises a fast rise sine wave when applied at a frequency of 6 Hz". The prior art Van Brunt at best teaches a sinusoidal wave form of about 20 Hz using a valve that does not comprise a motor-driven rotating blade as required by applicants' claims 1 and 12. Although rotating blade is exemplified by secondary prior art, in the examiner's opinion, it would not be obvious to a person of ordinary skill in the art to replace Van Brunt's valve with a rotating blade to specifically provide a provide pressure pulses having a substantially sinusoidal wave form that comprises a fast rise sine wave when applied at a frequency of 6 Hz as required by applicants' claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (703) 605-4354. The examiner can normally be reached on Monday-Thursday & alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (703) 308-2698. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular and After-Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quang D. Thanh
Patent Examiner
Art Unit 3764
September 13, 2004

(QT)



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